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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/588,852	04/10/2007	Dietfried Burczyk	BURC3010/FJD	2003
23364 7590 06/11/2008 BACON & THOMAS, PLLC 625 SLATERS LANE FOURTH FLOOR ALEXANDRIA, VA 22314				
EXAMINER JENKINS, JERMAINE L				
ART UNIT 2855		PAPER NUMBER		
MAIL DATE 06/11/2008		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/588,852

**Applicant(s)**

BURCZYK ET AL.

**Examiner**

JERMAINE JENKINS

**Art Unit**

2855

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 8-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8-11 is/are rejected.
- 7) ☒ Claim(s) 12-14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 April 2007 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☒ Information Disclosure Statement(s) (PTO/SE/US)  
Paper No(s)/Mail Date 08092006
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to because Figure 1 is darkly shaded causing a lack of a clear identification of each element. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 8-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamamoto et al (4,342,231).

In regards to claim 8, Yamamoto et al teaches a pressure differential apparatus having a hydraulic body (1, i.e. pressure receiving portion), in which is formed an overload chamber (5, 6); an overload membrane (4, i.e. central diaphragm), contained in said overload chamber which divides said overload chamber into a high-pressure chamber portion (5, i.e. isolated chamber of the high pressure side) and a low-pressure chamber portion (6, i.e. isolated chamber of the low pressure side) (Column 2, line 57 – Column 3, line 33; Figure 1); a pressure measuring cell (108, i.e. semiconductor sensor), said high-pressure chamber portion (5) communicates with a first hydraulic path (22, 105), which extends between a first diaphragm seal (7) and a high-pressure side of said pressure measuring cell (108), and said low-pressure chamber portion (6) communicates with a second hydraulic path (23, 106), which extends between a second diaphragm seal (8) and a low-pressure side of said pressure measuring cell (108) (Column 3, lines 48-53; Column 4, lines 6-16 & Column 5, lines 22-33; Figure 1), wherein: said low-pressure chamber portion (6) has an essentially convex, membrane bed, against which the overload membrane (4) lies in a rest position (Figure 1).

With respect to claim 9, Yamamoto et al teaches a pressure differential apparatus wherein the overload membrane (4) being pre-stressed over the convex membrane bed (See Figure 1).

With respect to claim 10, Yamamoto et al teaches a pressure differential apparatus wherein the overload membrane (4) being not deflectable by high-pressure-side overloads (See Figure 1).

With respect to claim 11, Yamamoto et al teaches a pressure differential apparatus wherein the overload membrane (4) being not deflectable by low-pressure-side overloads below a threshold value (See Figure 1).

***Allowable Subject Matter***

4. Claims 12-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
5. The following is a statement of reasons for the indication of allowable subject matter: The prior art does not disclose or suggest a pressure difference transducer having the first and second diaphragm seals each comprise a diaphragm seal body which has a membrane bed, over which is secured a separating membrane, which can be loaded with a pressure to be measured; between the separating membrane and the diaphragm seal body a pressure chamber is formed, which communicates with one of the first and second hydraulic path, via which the pressure measuring cell can be loaded with a pressure prevailing in the pressure chamber.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- U.S. Patent 6,543,291 (Kurtz et al) – Wet-To-Wet Pressure Sensing Assembly
- U.S. Patent 4,370,890 (Frick) – Capacitive Pressure Transducer with Isolated Sensing Diaphragm
- U.S. Patent 4,539,850 (Ziegler) – Pressure or Pressure Difference Measuring Apparatus with a Pressure Sensor Device Protected Against Overload

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JERMAINE JENKINS whose telephone number is (571)272-2179. The examiner can normally be reached on Monday-Friday 9am-530pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Lefkowitz can be reached on 571-272-2180. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jermaine Jenkins  
Examiner  
Art Unit 2855

/Andre J. Allen/  
Patent Examiner,  
Art Unit 2855